

**TRANSMITTAL LETTER  
(General - Patent Pending)**

Docket No.  
3818.02-5

In this Application Of: **ALAN BRUCE MONTGOMERY**

Serial No.  
10/613,636

Filing Date  
JULY 3, 2003

Examiner  
N/A

Group Art Unit  
N/A

Title: **INHALABLE AZTREONAM LYSINATE FORMULATION FOR TREATMENT  
AND PREVENTION OF PULMONARY BACTERIAL INFECTIONS**

TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith is:

1. TRANSMITTAL LETTER;
2. INFORMATION DISCLOSURE STATEMENT;
3. PTO FORM 1449;
4. COPIES OF REFERENCES AA - UU; AND
5. POSTCARD.

in the above identified application.

- ☐ No additional fee is required.
- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **16-1331**  
as described below.
- ☐ Charge the amount of \_\_\_\_\_
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.

*Signature*

Dated: **OCTOBER 7, 2003**

**HANA VERNY (REG. NO. 30,518)  
PETERS, VERNY, JONES & SCHMITT LLP  
385 SHERMAN AVENUE, SUITE 6  
PALO ALTO, CA 94306  
TELEPHONE: (650)324-1677  
FACSIMILE: (650)324-1678**

I certify that this document and fee is being deposited  
on **OCT. 7, 2003** with the U.S. Postal Service as  
first class mail under 37 C.F.R. 1.8 and is addressed to the  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA  
22313-1450.

*Signature of Person Mailing Correspondence*

**HANA VERNY**

*Typed or Printed Name of Person Mailing Correspondence*

cc:



818.02-5

1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of )  
ALAN BRUCE MONTGOMERY ) Group Art Unit: N/A  
Serial No.: 10/613,639 ) Examiner: N/A  
Filed: JULY 3, 2003 )


For: INHALABLE AZTREONAM LYSINATE  
FORMULATION FOR TREATMENT AND  
PREVENTION OF PULMONARY BACTERIAL INFECTIONS

NO FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on October 7, 2003.

  
\_\_\_\_\_  
Hana Verna (Reg. No. 30,518)

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. 1.97(b)

The information disclosure statement submitted herewith is being filed within three months of the filing date of the continuation application and/or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 CFR 1.97(b).

The citations listed on the attached PTO 1449, along with the copies of enclosed references, provide the background and may be material to the examination of the above-identified application and are, therefore, submitted in compliance with the duty of disclosure in 37 C.F.R. 1.56, 1.97 and 1.98.

Some of the references may have been disclosed in the application and provide either the background for the invention or support for practicing it. The designation of references corresponds to the designation given in the Form 1449.

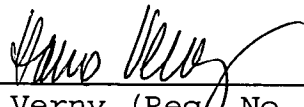
Examiner is respectfully requested to move prior references from the parent case Serial No.: 10/027,113 and search results in the corresponding PCT/US01/50062, to the current pending file. New references have been added as references AA - TT, and are shown on the newly submitted PTO 1449.

This Information Disclosure Statement under 37 C.F.R. 1.56, 1.97, and 1.98 is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that any one or more of these citations constitutes prior art.

If fees are required with the filing of these documents, the Commissioner is authorized to charge such fees to Deposit Account No. 16-1331.

Respectfully submitted,

Date: October 7, 2003

  
\_\_\_\_\_  
Hana Verny (Reg. No. 30,518)  
Attorney of Record

PETERS, VERNY, JONES & SCHMITT, LLP  
385 Sherman Avenue, Suite 6  
Palo Alto, CA 94306  
TEL 650 324 1677 / FAX 650 324 1678  
Atty. Dkt.: 3818.02-5 (HV)

FOR PTO-1449 (Modified)

**LIST OF PATENTS AND PUBLICATIONS FOR  
APPLICANTS INFORMATION DISCLOSURE  
STATEMENT**

(Use several sheets if necessary)

ATTY. DOCKET NO.

3818.02-5

SERIAL NO.

10/613,639

APPLICANT : ALAN BRUCE MONTGOMERY

FILING DATE : JULY 3, 2003

GROUP N/A

DESIGNATION

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER							DATE	NAME	CLASS	SUBCLASSES	FILING DATE IF APPROPRIATE	
	AA	4	5	5	0	1	0	5	10/29/85	Matsuo, et al.	514	210	December 3, 1981	
	BB	4	8	2	6	9	7	3	5/2/89	Anderson, et al.	540	335	December 10, 1985	
	CC	6	0	5	4	4	3	1	4/25/00	Horwitz, et al.	514	12	July 20, 1998	
	DD	4	7	7	5	6	7	0	10/4/88	Sykes, et al.	514	210	January 19, 1981	
	EE	4	9	4	6	8	3	8	8/7/90	Floyd, et al.	514	210	July 28, 1986	
	FF	4	5	5	0	1	0	5	10/29/85	Matsuo, et al.	514	210	December 3, 1981	
	GG	4	8	2	2	7	8	8	4/18/89	Kishimoto, et al.	514	210	December 3, 1981	
		DOCUMENT NUMBER							DATE	COUNTRY	CLASS	SUBCLASSES	TRANSLATION	
													YES	NO
	KK	0	2	9	7	5	8	0A1	1/4/89	Europe	417	12	√	
	LL	0	2	9	7	5	8	0B1	1/4/89	Europe	417	12	√	

## OTHER

## ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	PP		Klaus Florey, Aztreonam, <u>Analytical Profiles of Drug Substances</u> , 17:1-39 (1988).
	QQ		Ajit B. Thakur, et al., Interaction of Metronidazole with Antibiotics Containing the 2-Aminothiazole Moiety, <u>Pharmaceutical Research</u> , 8/11:1424-1429 (1991).
	RR		S. A. Ranadive, et al., Formation, Isolation and Identification of Oligomers of Aztreonam, <u>European Journal of Pharmaceutical Sciences</u> , 3:281-291 (1995).
	SS		Brian E. Scully, M.B., et al., Use of Aztreonam in the Treatment of Serious Infections Due to Multiresistant Gram-Negative Organisms, Including <i>Pseudomonas aeruginosa</i> , <u>The American Journal of Medicine</u> , 78:251-261 (February 1995).
	TT		Hiram C. Polk, Jr., MD, et al., Treatment of Pneumonia in Mechanically Ventilated Trauma Patients, <u>Arch Surg</u> , 132:1086-1092 (October 1997).
	UU		Stephen P. Newman, Ph.D., Aerosol Deposition Considerations in Inhalation Therapy, <u>Chest</u> , 88:2, 152S-160S (August 1995).

EXAMINER

DATE CONSIDERED

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.